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Letter dated 31 December 2012 from the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan (see annex), which covers the Committee's activities during the period from 1 January to 31 December 2012. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Néstor **Osorio**
Chairman
Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan

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Annex

Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan covers the period from 1 January to 31 December 2012.

2. During the reporting period, the Bureau consisted of Néstor Osorio (Colombia) as Chair, with the delegations of Azerbaijan and India providing the vice-chairs. In 2012, the Committee held seven informal consultations. The web page of the Committee is available at http://www.un.org/sc/committees/1591/.

II. Background information and activities of the Committee

A. Background information

3. By its resolution 1556 (2004), the Security Council imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the states of Northern Darfur, Southern Darfur and Western Darfur in the Sudan.

4. By its resolution 1591 (2005), the Council broadened the scope of the arms embargo, with immediate effect, to include all the parties to the N'Djamena Ceasefire Agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur. By the same resolution, the Council established a Committee to monitor the implementation of the arms embargo and the two additional measures imposed by the resolution, namely, a travel ban and an assets freeze on those individuals designated by the Committee on the basis of the criteria contained in the resolution. The travel ban and the assets freeze entered into effect on 29 April 2005.

5. By its resolution 1591 (2005), the Council also established, for a period of six months, a four-member Panel of Experts to assist the Committee in monitoring the implementation of the arms embargo, travel ban and assets freeze, to report to the Council through the Committee with its findings and recommendations, and to coordinate its activities, as appropriate, with ongoing operations of the African Union Mission in the Sudan (AMIS). Under the same resolution, the Panel of Experts was also identified as a source of information regarding individuals who might be designated by the Committee as subject to the targeted sanctions.

6. To date, the Council has extended the mandate of the Panel, which was subsequently authorized to comprise five members, nine times.[1] Following each extension, the Secretary-General appointed individuals to serve on the Panel.[2] Under its current extension of the original mandate, the Panel is requested to: provide monthly updates to the Committee regarding its activities; report on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010) concerning the requirement for end-user documentation in the sale or supply of arms and related materiel not prohibited by resolutions 1556 (2005) and 1591 (2005); coordinate its activities as appropriate with the operations of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), which succeeded AMIS, and with international efforts to promote the political process in Darfur; assess in its interim and final reports progress towards reducing violations by all parties to the arms embargo, progress towards removing impediments to the political process, threats to stability in Darfur and the region, violations of international humanitarian or human rights law or other atrocities, including sexual- and gender-based violence, and other violations of the aforementioned resolutions; provide the Committee, in coordination with the African Union-United Nations Joint Mediation Support Team, information on the individuals and entities that meet the listing criteria in resolution 1591 (2005); and continue to investigate the role of armed, military and political groups in attacks against UNAMID personnel in Darfur.

7. To date, the Panel of Experts has submitted 12 progress reports,[3] 5 midterm reports[4] and 7 monthly updates[5] to the Committee. The Panel has also submitted eight final reports to the Committee, which were subsequently transmitted by the Chair to the President of the Security Council.[6]

8. By its resolution 1672 (2006), the Council designated four individuals as subject to the travel ban and assets freeze.

9. By its resolution 1769 (2007), the Council decided that UNAMID would monitor whether any arms or related materiel were present in Darfur in violation of the agreements and measures imposed by paragraphs 7 and 8 of resolution 1556 (2004). The arms embargo monitoring aspect of the UNAMID mandate was also explicitly referred to in Council resolutions 1935 (2010), 2003 (2011) and 2063 (2012). In that context, in the two latter resolutions, the Council requested UNAMID to continue to cooperate with the Panel of Experts in order to facilitate the work of the experts.

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[1] See Security Council resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), 1891 (2009), 1945 (2010), 1982 (2011) and 2035 (2012). The current extension of the mandate expires on 17 February 2013.

[2] See S/2005/428, S/2006/23, S/2006/99, S/2006/301, S/2006/926, S/2007/706, S/2008/48, S/2008/743, S/2009/639, S/2010/140, S/2011/27, S/2011/60, S/2011/96, S/2011/613, S/2011/614, S/2011/658, S/2012/253 and S/2012/283.

[3] Dated 7 October 2005, 15 July 2006, 16 March 2007, 2 July 2007, 27 March 2008, 11 August 2008, 2 March 2009, 25 May 2009, 15 March 2010, 24 May 2010, 30 March 2011 and 31 July 2012.

[4] 14 May 2008, 30 April 2009, 2 July 2010, 24 June 2011 and 18 October 2012.

[5] Dated May, June, July, August, September, October and November 2012.

[6] The first seven reports have been published (S/2006/65, S/2006/250, S/2006/795, S/2007/584, S/2008/647, S/2009/562 and S/2011/111). The final report prepared pursuant to resolution 1945 (2010) and 1982 (2011) has not yet been published.

10. By its resolution 1945 (2010), the Council strengthened the enforcement of the arms embargo by clarifying the exemptions to that measure and by making the sale or supply of arms and related materiel to the Sudan not prohibited by the embargo contingent upon the necessary end user documentation.

11. By its resolution 2035 (2012), the Council confirmed that all previous references to North, South and West Darfur shall apply to all the territory of Darfur, including the new states of Eastern and Central Darfur. The Council updated the exemptions to the arms embargo and extended the applicability of the listing criteria set out in resolution 1591 (2005) to entities.

12. In several presidential statements and resolutions, the Council has expressed its readiness to consider taking action or measures against any party, with reference to elements of the listing criteria in resolution 1591 (2005).[7]

B. Summary of the activities of the Committee

13. Pursuant to paragraph 13 of Security Council resolution 2035 (2012), in which the Council encouraged all States, in particular those in the region, to report to the Committee on the actions they had taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004), including imposition of targeted measures, the Committee has to date received four reports from Member States. These reports are available on the Committee's web page. A note verbale addressed to all Member States, reminding them to submit their reports, was issued by the Committee on 4 June 2012.

14. In informal consultations on 6 and 10 February 2012, respectively, the Committee heard a presentation by the Panel of Experts on its final report, submitted, pursuant to resolutions 1945 (2010) and 1982 (2011), on 24 January 2012, and discussed the table of recommendations contained in that report. The Committee took follow-up action on 7 of the 13 recommendations contained in the report. The remaining recommendations were either of an administrative nature, addressed to the Security Council or not agreed upon. Some of those recommendations were taken into account in resolution 2035 (2012), which was adopted by the Council on 17 February 2012.

15. In informal consultations on 26 March 2012, the Committee was briefed by the International Criminal Police Organization (INTERPOL) on the INTERPOL-United Nations Security Council Special Notices, in follow-up to a recommendation contained in the Panel's final report. The agreement between the Committee and INTERPOL on such notices with respect to the four individuals designated as subject to the targeted sanctions entered into force on 20 November 2012.

16. In informal consultations on 16 May 2012, the Committee met with the newly reconstituted Panel of Experts appointed pursuant to resolution 2035 (2012) and discussed its reporting timelines, which also included the submission of monthly updates to the Committee. In addition, the members of the Committee discussed the Panel's preliminary programme of work, including regional travel while the Panel waited for visas to the Sudan to be issued for its members. The Committee agreed

[7] S/PRST/2007/41, S/PRST/2008/1, S/PRST/2008/27, S/PRST/2010/24 and resolutions 1769 (2007) and 1828 (2008).

that the Panel's interim report would be submitted by 30 July, and that the midterm briefing would be delivered by 15 October. Some members of the Committee described the areas of work on which they wished the Panel to focus.

17. In a letter dated 13 June 2012, following two bilateral interventions by its Chair, the Committee requested the assistance of the Permanent Representative of the Sudan to the United Nations for the visas and Darfur travel permits to be issued to the experts. In a reply dated 3 July 2012, the Permanent Mission of the Sudan to the United Nations informed the Committee of its Government's approval of the visas. By 11 July, four of the five experts had received multiple-entry visas, whereas the fifth received a single-entry visa.

18. In informal consultations on 23 July 2012, the Committee was briefed by the outgoing Joint Special Representative for UNAMID and Chief Mediator for Darfur, Ibrahim Gambari, who outlined various impediments to the Darfur peace process and requested the Committee to make the best possible use of its good offices to support the unhindered implementation of the Doha Document for Peace in Darfur. He also assured the Committee that UNAMID and the Joint Mediation Support Team stood ready to support the work of the Committee. Three members of the Panel of Experts joined the discussion by teleconference; together with several Committee members, they highlighted the importance of enhanced cooperation between UNAMID and the Panel. In a letter dated 28 December addressed to the new Joint Special Representative for UNAMID and Chief Mediator for Darfur, Mohamed Ibn Chambas, the Committee looked forward to continuing its dialogue with UNAMID as well as to continued and enhanced cooperation from UNAMID with the Panel, and expressed its appreciation for past efforts undertaken in both areas.

19. By a letter dated 7 August 2012 addressed to the Permanent Representative of the Sudan, the Committee conveyed agreed terms of reference for a proposed visit by the Chair to Darfur and Khartoum, initially envisaged to take place in September 2012. By a letter dated 21 August, the Permanent Mission of the Sudan expressed its agreement to the visit. It is anticipated that the visit might take place in 2013.

20. Through an exchange of letters dated 8 and 22 August 2012, respectively, a Member State sought, and the Committee provided, guidance on the scope of the arms embargo.

21. In informal consultations on 24 August 2012, the Committee was briefed by two members of the Panel on the Panel's interim report. Of the seven recommendations contained in the report, the Committee agreed to take follow-up action on four. The remaining three were addressed to the Security Council and UNAMID.

22. By a letter dated 28 August 2012, the Coordinator of the Panel informed the Committee of an incident encountered by two members of the Panel in Nyala, Darfur. The letter and the attached incident report were transmitted by the Committee to the Permanent Representative of the Sudan on 6 September, together with a letter from the Committee.

23. By a letter dated 11 October 2012, the Coordinator of the Panel informed the Committee of a second incident faced by a member of the Panel and the Panel's interpreter in Tawila, Darfur. The letter and the attached incident report were

transmitted by the Committee to the Permanent Representative of the Sudan on 25 October, together with a letter from the Committee.

24. On 22 October 2012, in follow-up to a recommendation of the Panel of Experts, the Committee issued a note verbale to all Member States reminding them of their obligation to implement the arms embargo, travel ban and assets freeze, and urging them to respond to any requests for information received from the Panel concerning the implementation of the relevant measures.

25. In informal consultations on 19 November 2012, the Committee heard a midterm briefing by the Panel of Experts. The Panel's written report, which accompanied the briefing and was made available to the Committee on 18 October, contained two recommendations addressed to the Council. Different aspects of these two recommendations had already been addressed by the Council in its resolution 2063 (2012).

26. By a letter dated 4 December 2012, the Coordinator of the Panel informed the Committee of a third incident encountered by a member of the Panel, this time at Khartoum airport. The expert was denied entry into the Sudan.

27. During the period under review, in accordance with subparagraph 3 (a) (iv) of resolution 1591 (2005), the Chair of the Committee delivered five 90-day reports to the Security Council, in each of which he described the Committee's activities since his last briefing to the Council. The Chair delivered the 90-day reports in informal consultations of the whole on 10 February, 21 March, 19 June, 20 September and 6 December 2012. In the most recent report, he also reminded the Council of its previously expressed intention, as reflected in resolution 2035 (2012), to review the state of implementation, including obstacles to full and effective implementation, of the measures imposed in resolution 1591 (2005), with a view to ensuring full compliance.

28. In conducting its work, the Committee continued to apply the guidelines it had adopted on 23 March 2006 and amended on 27 December 2007. Among other purposes, the guidelines serve to facilitate the implementation of the travel ban and assets freeze imposed by subparagraphs 3 (d) and (e) of resolution 1591 (2005), in accordance with subparagraph 3 (a) (iii) of the same resolution. In this connection, however, no requests were received by the Committee either to remove the names of individuals on the consolidated travel-ban and assets-freeze list or for exemptions to the targeted sanctions.

III. Violations and alleged violations of the sanctions regime as reported by the Panel of Experts

29. In its final report of 2012, the Panel of Experts described continued violations of the arms embargo, international humanitarian law and human rights perpetrated in Darfur. According to the Panel, offensive military overflights and bombardments in Darfur continued. The Panel also reported attacks against civilians and peacekeepers, and widespread sexual- and gender-based violence. The report provided analysis of the sources of financing of the armed groups and noted that the Government of the Sudan had not yet taken steps to implement the targeted travel and financial sanctions.

30. The Panel observed some progress with respect to the Doha Document for Peace in Darfur, and provided an overview of the state of the various armed opposition groups operating inside Darfur. It also noted positive developments in the context of the normalization of relations between the Government of the Sudan and Libya, following the fall of the Qadhafi regime, which, according to the Panel, terminated funding and arms supplies to the Justice and Equality Movement.